

AGENDA

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

**February 13, 2007
Aldermen O'Neil, Lopez,
Smith, Forest, DeVries**

**5:30 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Chairman O'Neil calls the meeting to order.
2. The Clerk calls the roll.
3. Appeal of the denial of a taxi driver's license.
A motion is in order to enter non-public session under the provisions of RSA 91-A:3 II(c).

A roll call vote is required on the motion.

4. Presentation by Jennie Angell, Acting Director of Information Services, on Information Systems projects for 2007 and 2008.
5. Purchasing Division progress report submitted by Mindy Salomone-Abood, Public Works Purchasing Agent.
Ladies and Gentlemen, what is your pleasure?
6. Communication from Leon LaFreniere, Building Commissioner, regarding zoning enforcement efforts in the Building Department.
Ladies and Gentlemen, what is your pleasure?

TABLED ITEMS

A motion is in order to remove any of the following items from the table for discussion.

7. Communication from Mayor Guinta requesting consideration of the establishment of a Department of Administrative Services.
(Tabled 01/09/2007 pending further information from Human Resources.)
8. Recommendation from departments regarding contract for centralized copier purchasing.
(Tabled 01/09/2007)
9. If there is no further business, a motion is in order to adjourn.

Information Systems Department
FY07-08 Projects
February 2007

- ☐ Assessors Vision system upgrade –*completed 11/2006*
- ☐ Assessors load and reconciliation of revaluation results –*completed 11/2006*
- ☐ Main Computer Room Environmental Upgrade – scheduled completion 4/9/07
- ☐ GIS database revision due to Vision system upgrade –*completed 12/2006*
- ☐ MFD/MPD CAD/RMS
 - Project management
 - MFD/MPD CAD/RMS Infrastructure installation
 - Conversion to new MPD Records System
 - High speed data access for Police and Fire Mobiles
 - MFD/MPD CAD/RMS map training
- ☐ GIS database and System development/expansion (ongoing)
 - ESRI ArcGIS version 9.2 upgrade and rollout
 - CityGIS reprogramming revisions required by v9.2 upgrade
 - Development of new City-wide street centerlines layer and associated information for new Police-Fire CAD/RMS system
 - CityGIS addition of building permits, utility accounts, housing standards, etc. to parcel information views
 - Development of new layer mapping HTE related addresses
 - Development of customized departmental GIS sites for internal usage
 - Development of public GIS site and possible subscription-based GIS site
- ☐ Motor vehicle system replacement/upgrade due to required State DMV changes
- ☐ New or upgraded Citywide dial tone services
- ☐ City Web Site upgrade

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**Information Systems Department
FY07-08 Projects
February 2007**

- ☐ Development of Building Permits-Vision system interface for Assessors
- ☐ Online payments deployments
 - Create new software application to manage payment files received from Official Payments and reformat as needed for HTE cash receipts posting (currently such payments are manually keyed into HTE)
 - Expansion of online payments to other departments
 - Upsizing/webification (public) of dog licensing (including online payments?)
 - Webification of parking tickets (including online payments)
- ☐ Upsizing/webification (internal) of health immunizations database
- ☐ HTE interfaces
 - Interfacing of cash receipting information from non-HTE apps (parking tickets, motor vehicle registrations, dog licensing, business licensing, others)
 - Maximo to HTE Interface (Facilities Workorder System)
- ☐ Youth Services case management system
- ☐ Electronic documents management system – CIP request for Finance
- ☐ Support and maintenance of other departmental software applications
 - Towing Tracking (Police)
 - Internal Affairs (Police)
 - Subpeonas Tracking (Police)
 - Retiree Benefits And Payments Tracking (Human Resources)
 - Vision-HTE Interface (Assessors Office)
- ☐ SunGard HTE System Support
 - Upgrade OS/400 operating system on two iSeries

Information Systems Department
FY07-08 Projects
February 2007

- Testing and installation of iTera high availability software
- Testing and installation of application modules upgrades provided by HTE
- DMS reports conversion for current Optio forms, new forms

☐ Infrastructure Improvements

- Public WiFi hotspot at Manchester Library
- Upgrade Citywide firewalls
- Failover of Internet Access
- Network Connection to Elliot and CMC for ambulance service
- MCTV connectivity to EOC and Rines
- Configuration of Redundant Network Rings including across Granite Street main communication tower
- Server operating system upgrades to Windows 2003

☐ Desktop Support

- Install enterprise antivirus software on handhelds
- Upgrade Exchange email for all city users
- Upgrade desktops to Office 2003
- Replace desktop PCs that are older than 5 years
- Begin the migration to Microsoft Vista
- Assist City Users as Technical Liaison with Vendor software

☐ Provide and develop expert data and database analysis, extracts, queries, reports, advice, and similar support for all onsite databases and systems

☐ Proposed projects:

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**Information Systems Department
FY07-08 Projects
February 2007**

- New Parking Tickets system, including field devices and software
- New parking management system (including parking permits)
- New internal lockbox system
- Moving of Parking Division

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**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Joan Flurey
William F. Houghton Jr.
Robert R. Rivard
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

February 2, 2007

Honorable Administration Committee Members
C/o Alderman Dan O'Neil, Chairman
One City Hall Plaza
Manchester, NH 03101

RE: Progress Report, Purchasing Division

Dear Committee Members:

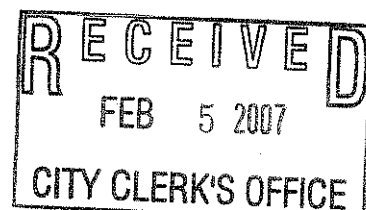
This is to update the committee on the progress that the Purchasing Division has been making since acceptance.

1. All employees are officially located and part of the Public Works Department.
2. Spring Bids are being revamped to include City Departments. We have provided Departments with a listing (attached) of those items that are typically bid out at this time of year, so that they are able to make additions to the bids as necessary. Those bids will go out in the next 2 weeks.
3. We are currently putting together an Office Supply bid that we hope to get out by the end of the month.
4. We have been preparing and revamping documents so that they can be put out on the City's website to make them available as reference to other City Departments.
5. SPC printer/copier contract was reviewed by the appointed committee. The consensus of that meeting was that the proposal set forth by SPC would conflict with current Procurement Code. The Purchasing Division is currently gathering copier information from each department. Once this has been accomplished, we will come back to this committee with a proposal to possibly move forward with an RFP along the lines of SPC's proposal.

Respectfully Submitted,

Melinda Salomone-Abood

Melinda A. Salomone-Abood
Public Works Purchasing Agent



Spring Bids

Uniform Rental Service

Aggregates:

- Washed Sand (Winter Sand)
- ½ inch Stone
- ¾ inch stone
- 1 ½ inch Stone
- 6-12 stone fill
- Sandfill
- Loam (class a)

Equipment Rental:

- Excavator
- Backhoe

Asphalt:

- ½ inch wearing course & base
- 3/8 inch wearing course
- ¾ inch binder

Concrete Sewer & Drainage Structures

Bricks, Blocks and Cement

Frames & Grates

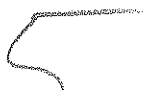
Corrugated Polyethylene Pipe

6 inch, 12 inch, 15 inch, 18 inch and 24 inch

PVC Pipe, Fittings and Repair Couplings

8inch – 24 inch

Granite Curbing





Leon L. LaFreniere
Building Commissioner

CITY OF MANCHESTER DEPARTMENT OF BUILDINGS

One City Hall Plaza
Manchester, New Hampshire 03101
Tel: (603) 624-6475
Fax: (603) 624-6324



Matthew M. Sink
Deputy Bldg. Commissioner

Date: February 7, 2007
To: Committee on Administration
From: Leon L. LaFreniere, Building Commissioner *LLF*
Subject: Zoning Enforcement Data

This memorandum is intended to respond to the Committee on Administration's request for information regarding zoning enforcement efforts in the Building Department. Three specific questions were raised by the Committee that I will attempt to respond to herein.

The first question was identification of the time at which the Housing Standards Division inspectors were utilized to assist in the department's zoning enforcement efforts. The Housing Code inspectors have been engaged in zoning administration efforts to varying degrees since the consolidation of the Housing Code Department and the Building Department. Since becoming staff members of the Building Department the Housing Inspectors have been charged with the authority to enforce any and all regulations administered by the consolidated department. Areas of concentration in addition to Housing Code issues up to early 2006 addressed by the Housing Code inspectors included: work performed without permits, sign placement, fence and corner clearance issues, property use and other ordinance requirements. In early 2006 additional areas of concentration were identified and procedures implemented to expand the areas of zoning issues specifically to be considered by the Housing Inspectors. This effort has resulted in additional notices of violations being issued for the correction of numerous zoning related issues. The training necessary to affect this effort has been an on going process. Cross training of all Building Department staff is a component of the department's continual improvement efforts.

The second question identified by the Committee had to do with the numbers of citations issued on zoning related violations identified by the Housing Inspectors. In calendar year 2006 the Housing Inspectors issued ninety one (91) citations for zoning related violations. In January of 2007, seven (7) additional citations for zoning related violations have been issued.

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E-mail: building@ManchesterNH.gov
www.ManchesterNH.gov

The third and final question related a request for information regarding the last case brought to court by the Building Department. As each case differs so significantly in terms of details and circumstances I have identified two of the most recent examples of our experience in Manchester District Court.

The first case deals with a property found to be in non-compliance with numerous standards administered by the Building Department in 2002. Citations in the amount of \$17,000 were issued to a property owner who failed to appear as directed to District Court. The citations were closed filed at the court as a result and languished until recently. Within the last month the property owner came before the court on an unrelated matter and was found guilty on each count of the original violations. The total citation amount was reduced by the presiding judge to \$1,000 which was suspended with the condition that the defendant not violate any part of the Housing Code within one year. While on the surface this case may appear as a failure of the system, the violations upon which the citations were issued were corrected in 2002 when the ownership of the building changed. It is probable that the pressure brought by the citation process at the time caused the violator to divest his interest in the property which resulted in the violations being corrected.

The second case, of much more recent nature, deals with a property upon which violations of the Zoning Ordinance were found to exist in September of 2006. In this case violator was issued five (5) citations on October 10, 2006, and five (5) additional citations on October 11, 2006. The violator was then scheduled for a court hearing on December 27, 2006 and did not appear. As a result he was found in default and fines were assessed by the court. Three (3) additional citations were issued on November 28, 2006, to which the violator entered a plea of not-guilty. A court hearing is scheduled for February 13, 2007 on this matter. In terms of effectiveness, the property upon which the citations has been subsequently brought into compliance. While it is difficult to determine the direct effect of the citations in this process, I am confident that their issuance contributed to eventual correction of the violations.

I hope that this information addresses the Committee's needs. A representative of the Building Department will attend the next meeting of the Committee to respond to any questions you may have.



City of Manchester

61-09-07 labled
pending further
info from HR

Office of the Mayor
Hon. Frank C. Guinta

January 2, 2006

The Board of Aldermen
One City Hall Plaza
Manchester, NH 03101

Re: Department of Administrative Services

Dear Members of the Board:

With the recent retirements of several department heads, and with an expectation of additional retirements in the coming years, I think it would be prudent at this time for the Board of Mayor & Aldermen to consider the establishment of a Department of Administrative Services. Such a department would be modeled after similar governmental agencies existing at the state and municipal levels throughout the country.

Ideally, the City would consolidate various departments into a Department of Administration consisting of numerous subdivisions. The creation of such a department would benefit city government in several ways. First, the creation of such a department would result in greater cost savings through the reduction in personnel, especially those at upper pay grades. Second, such a department would reduce the bureaucracy that frustrates consumers and employees alike. Third, by coordinating administrative services into one department, the city can achieve greater efficiencies in service. Fourth, the Board of Mayor & Aldermen can expect improved communication between itself and the proposed department.

At this time, I have no preconceived notion on what departments should be folded into such a department. We should consider all departments in our evaluation of this proposal in order to determine what makes the most sense and what is in the best interest of the average taxpayer. I look forward to having a vigorous discussion with the Board and hope that together we can reach a consensus opinion.

Respectfully Yours,

Frank C. Guinta
Mayor

IN BOARD OF MAYOR & ALDERMEN

DATE: January 2, 2007

ON MOTION OF ALD. Garrity

SECONDED BY ALD. Roy

refer to the Committee on
VOTED TO Administration/Info Systems.

CITY CLERK

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City of Manchester

*Mayor Handout I
Comm. on Administration
1/9/07 - Tabled*

Office of the Mayor
Hon. Frank C. Guinta

January 9, 2007

The Committee on Administration & Information Systems
One City Hall Plaza
Manchester, NH 03101

Re: Department of Administrative Services

Dear Members of the Committee:

Since suggesting the establishment of the above referenced department, I have had numerous discussions with government and community leaders on how to best approach this important issue. I believe we have a great opportunity to review the structure of the Executive Branch of the government of the City of Manchester and owe it to ourselves and to future leaders to provide a more reasonable and responsible governmental structure.

I therefore wish to make some initial recommendations to the Committee for its consideration. These recommendations represent only a starting point.

1. The establishment of a new ordinance to assist the Board of Mayor & Aldermen with the reorganization of the executive branch. Such an ordinance could be modeled after Chapter 21-G of the Statutes of the State of New Hampshire (attached) effective July 1, 1983. An ordinance similar to 21-G would help the Board to work within a proven structure that helped the State reduce the number of departments, providing a manageable structure of government for the chief executive.

If the Committee is so desirous, a motion to direct the City Solicitor to draft a reorganization ordinance modeled after 21-G would be in order.

2. Several Aldermen have asked me what type of structure and what departments I envision being consolidated into the proposed Department of Administrative Services. Although I have stated that I have no preconceived notion of what departments should be eventually consolidated into this department if it should be created, I think the Committee should consider the following departments as candidates:

- Finance
- Information Systems
- Human Resources

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- Office of Tax Collection
- Office of the City Clerk
- Risk Management
- Central Purchasing/Central Fleet
- Facilities Management
- Office of the Assessors
- VISTA program
- Auditing

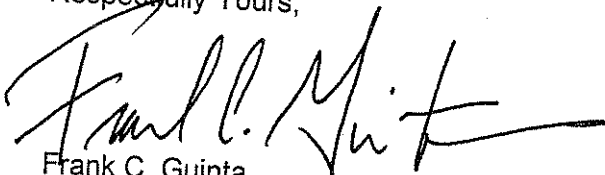
My selection of these departments is in no way an endorsement of the consolidation of any particular department. I believe the Board should consider these as well as other departments.

For your convenience, I have also attached organizational charts from two New England cities comparable to Manchester. These charts are intended only to educate this Board about how other municipalities have streamlined their administrative divisions to better meet the needs of their citizens and elected officials.

3. Timeline: While I have no definite timeline for the implementation of items #1 or #2 above, I will consider including a Department of Administrative Services as part of my FY2008 budget. However, I will only do so if the proposed department will yield immediate savings. Otherwise, I will wait for this committee to complete its work regarding this matter. I am also committed to consolidation through attrition; a process that I believe worked well when together we consolidated the Traffic Department.

As I stated to the Board in my original letter, I am willing to work with you to achieve a governmental structure that makes better sense for the needs of the City. I am also willing to meet not only with this Committee, but also with any city leader who wishes to participate in this discussion.

Respectfully Yours,

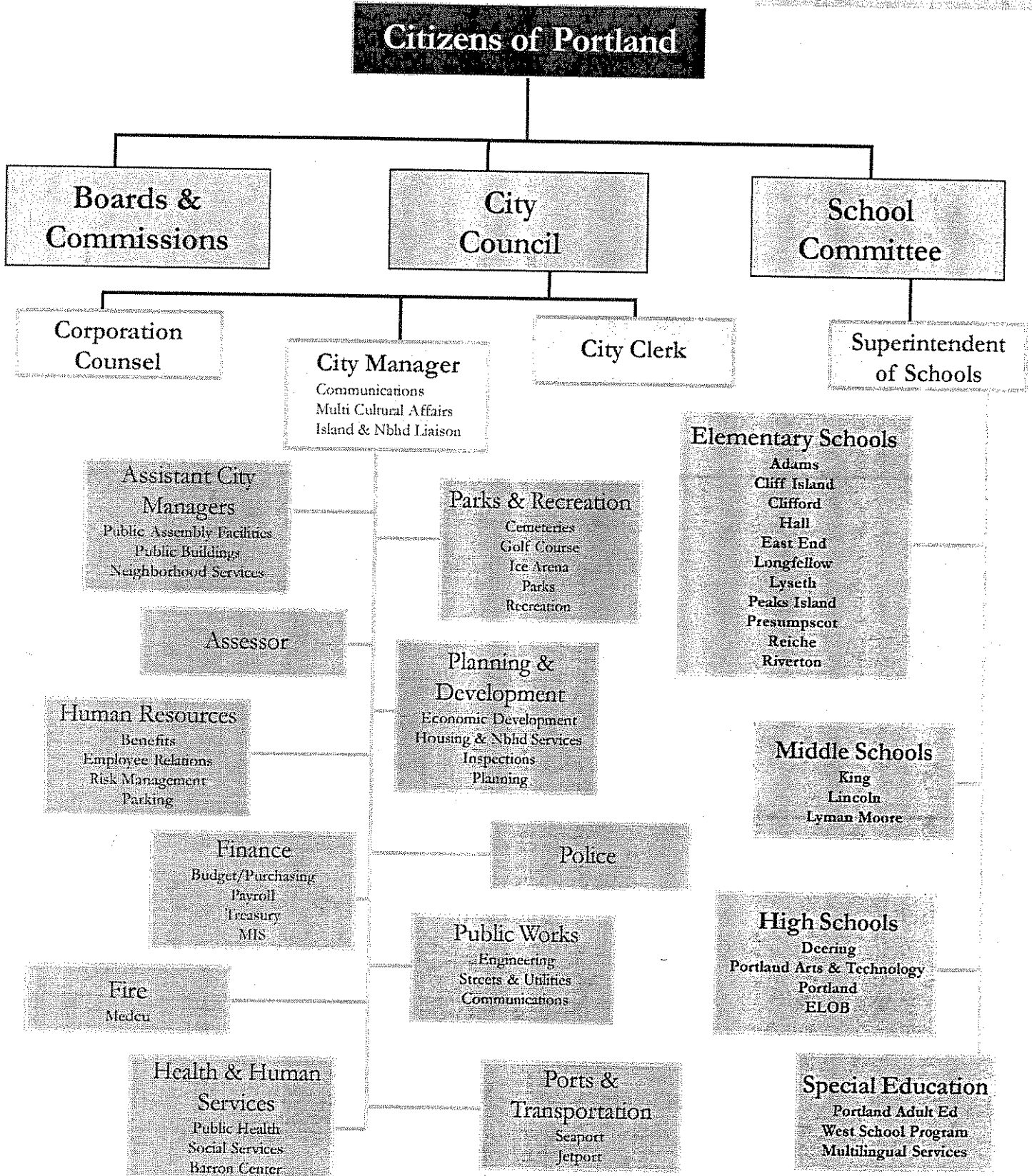


Frank C. Guinta
Mayor

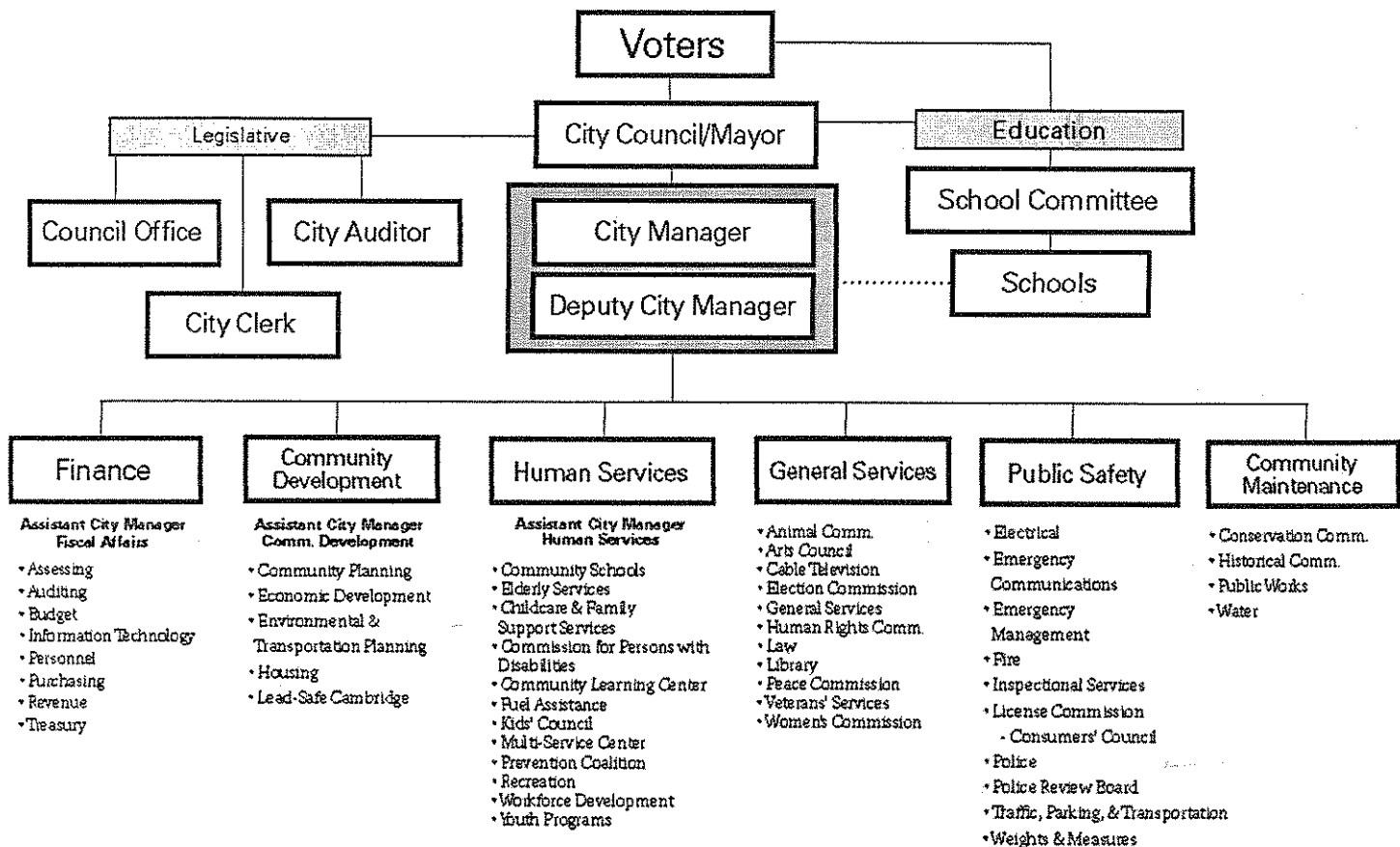


PORTLAND MAINE

Organization Chart



Organizational Chart



Pictured (l to r): Assistant City Manager for Human Services Ellen Semonoff, Assistant City Manager for Fiscal Affairs Louis DePasquale and Assistant City Manager for Community Development Beth Rubenstein.

TITLE I

THE STATE AND ITS GOVERNMENT

~~CHAPTER 21-G~~

ORGANIZATION OF EXECUTIVE BRANCH

Section 21-G:1

21-G:1 Short Title. – This chapter shall be known as the Executive Branch Reorganization Act of 1983.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:2

21-G:2 Declaration of Findings. – The general court finds that:

I. The state constitution provides for the separation of powers within state government among the legislative, the executive and the judicial branches. The legislative branch has the broad objective and responsibility to determine policies and programs and to review and oversee program performance and implementation of policy previously established. The executive branch has the responsibility to implement and administer these policies and programs. The judicial branch has the responsibility to resolve disputes arising from the interpretation or application of the laws;

II. The growth of the executive branch from 32 constitutional offices and state agencies in 1900, to 96 in 1970, to more than 140 in 1983, has created an unwieldy and confusing state government structure. This structure has developed piecemeal, resulting in lack of policy coordination, excessive costs, inefficient use of personnel and capital, overlapping agency jurisdictions, duplication, and the ineffective use of the state's limited financial resources; and

III. The size and complexity of the executive branch, including the unnecessarily confusing current array of administrative terms, titles, and appointment processes, has unintentionally altered some of the constitutionally contemplated checks and balances by an unplanned shifting of policy direction and implementation toward the independent, non-elected executive branch agencies. This reduces the ability of the legislature to assert its primary role as policymaker and the ability of the governor to manage the implementation of that policy.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:3

21-G:3 Declaration of Policy. – The general court declares the following to be the policy and objectives of the state:

I. The organization of state government should assure its responsiveness to popular control, as expressed through the state's elected officials. It is the goal of reorganization to improve legislative policymaking capability and to improve the administrative capability of the executive to carry out these policies.

II. The organization of state government should facilitate communication between citizens and government. It is the goal of reorganization through coordination of related programs in function-oriented departments to improve public understanding of government programs and policies, by more

clearly defining the jurisdiction of departments, and to improve the relationships between citizens and administrative agencies.

III. The organization of state government should assure efficient, effective and responsive administration of the policies established by the legislature. It is the goal of reorganization to improve the coordination and management of state services by establishing clear lines of authority, responsibility and accountability for program implementation within the executive branch.

IV. The governor should meet regularly with the heads of all agencies. Communication and exchange of information and ideas among the agency heads, as well as between agency heads and the governor, should be the goal of these meetings.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:4

21-G:4 Guidelines for Reorganization. – The following provisions shall serve as general guidelines for accomplishing executive branch reorganization consistent with the policy and objectives of the state:

I. In order to allow the chief executive to efficiently and effectively implement legislative policy and programs, the governor should be provided with a manageable administrative structure and the authority to direct its operations.

II. The large number of existing executive branch agencies, departments, boards, commissions, authorities and institutions should be significantly reduced by consolidating them into a reasonable number of departments.

III. The consolidation of agencies in the executive branch should be on a functional basis, so that programs can be coordinated and comprehensive planning can be undertaken.

IV. Structural reorganization should be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs, and the coordination of existing programs, in response to changing public needs.

V. There should be a uniform process for administrative appeals to an impartial body provided for each department established following July 1, 1983.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:5

21-G:5 Definitions. – In this chapter, the following words shall have the following meanings:

I. "Administratively attached agency" means an independent agency linked to a department for purposes of reporting and sharing support services.

II. "Advisory committee" means a committee established pursuant to RSA 21-G:11 which shall furnish advice, gather information, make recommendations and perform such other activities as may be instructed or as may be necessary to fulfill advisory functions or to comply with federal funding requirements, but which shall not administer a program or function or set policy.

III. "Agency" means any department, commission, board, institution, bureau, office, or other entity, by whatever name called, other than the legislative and judicial branches of state government, established in the state constitution, statutes, session laws or executive orders.

IV. "Bureau" means the principal unit within a division, which is directly responsible to the division level and is concerned with individual program management.

V. "Commissioner" means the individual in charge of the operations of a department, who is directly responsible to the governor.

VI. "Department" means the principal administrative unit within the executive branch of state government, which is concerned with broad functional responsibilities.

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VII. "Division" means the principal unit within a department, which is directly responsible to the department level and is concerned with related major functional programs and activities.

VIII. "Field operations" means district or area offices which may combine division, bureau and section functions.

IX. "Section" means the principal unit of a bureau, which is directly responsible to the bureau level and is concerned with direct provision of services to the public or other state agencies.

X. "Subsection" means the principal unit of a section which is directly responsible to the section level and is concerned with direct provision of services to the public or other state agencies.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:5-a

21-G:5-a Statements of Financial Interest for Board and Commission Members. – [Repealed 2006, 21:10, II, eff. June 2, 2006.]

Section 21-G:6

21-G:6 Structure of Executive Branch. – All departments of the state established following July 1, 1983, shall be structured as follows, unless otherwise provided for specifically by the general court:

I. The department shall be the principal administrative unit of the executive branch, and each department shall be headed by a commissioner. Each department shall bear a title beginning with the words "The State of New Hampshire Department of" and continuing with the name designated for the department.

II. All departments shall adhere to the following operational structure and standard terminology:

(a) The principal unit of the department shall be the division; and each division shall be headed by a director.

(b) The principal unit of the division shall be the bureau; and each bureau shall be headed by an administrator.

(c) The principal unit of the bureau shall be the section; and each section shall be headed by a supervisor.

(d) If further subdivision is necessary, sections may be divided into subsections; and each subsection shall be headed by a chief.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:7

21-G:7 Field Operations. –

I. A department shall not establish field operations unless specifically authorized to do so by statute; except that temporary field operations may be established upon a specific written declaration by the governor and council that an emergency exists. A temporary field operation shall not be continued beyond the adjournment of the next regular or special session of the general court following a declaration of emergency.

II. Legislative proposals by a department seeking establishment of field operations shall include evidence of the commissioner's written certification to the governor and council that all other agencies with field operations in the same vicinity of the state have been consulted to determine the feasibility of combining such field operations.

Source. 1983, 372:1, eff. July 1, 1983.

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Section 21-G:8

21-G:8 Commissioners and Division Directors; Appointment; Term. –

I. The commissioners of all departments established after July 1, 1983, shall be appointed by the governor, with the consent of the council, except as otherwise provided by law. Each commissioner shall be an unclassified employee.

II. Each commissioner shall nominate for appointment by the governor, with the consent of the council, each division director within the commissioner's department, for all departments established after July 1, 1983, except as otherwise provided by law. Each division director shall be an unclassified employee.

III. Commissioners shall serve terms of 4 years. Such terms shall end on March 31 of an odd-numbered year. Initial terms for some commissioners may be for approximately 2 years so that the terms of one-half of the commissioners will end in each gubernatorial term.

IV. Division directors shall serve terms of 4 years. Such terms shall end on March 31 of an even-numbered year. Initial terms for some directors may be for approximately 2 years so that the terms of one-half of the directors will end one year after a commissioner's terms commences and one-half 3 years after that date.

Source. 1983, 372:1. 1985, 418:1. 1995, 226:2, eff. Aug. 13, 1995.

Section 21-G:9

21-G:9 Powers and Duties of Commissioners. – The commissioner shall be the chief administrative officer of the department and shall have the following powers and duties:

I. The commissioner shall manage all operations of the department and administer and enforce the laws with which the commissioner or the department is charged. The commissioner shall report directly to the governor.

II. To perform the commissioner's duties, the commissioner shall have every power enumerated in the laws, whether granted to the commissioner, the department, or any administrative unit of the department. In accordance with these provisions, the commissioner shall:

(a) Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department and each program and activity of the department.

(b) Adopt all rules of the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. All rules shall be adopted pursuant to RSA 541-A, unless specifically and explicitly exempted by law. The provisions of this subparagraph shall control existing legislative enactments unless the provisions of RSA 21-H through RSA 21-P that created the department specifically and clearly confer rulemaking authority on an administrative unit or a subordinate official. The provisions of this subparagraph shall also apply to subsequent legislative enactments unless such enactments are contained in RSA 21-H through RSA 21-P or are specifically exempted from the application of the provisions of this subparagraph by language expressly referring to this subparagraph. For the purposes of this subparagraph, "commissioner of the department of education" means the state board of education.

(c) Exercise general supervisory and appointing authority over all department employees, subject to applicable personnel statutes and rules.

(d) Delegate authority to subordinates as the commissioner deems necessary and appropriate, except that rulemaking authority shall not be delegated. The commissioner shall provide by delegation for a division director to exercise all authority of the commissioner in the commissioner's absence. All such delegations shall be made in writing, shall be disseminated to all division directors, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the

commissioner's office.

(e) Adopt practices which will improve the efficiency of the department and the provision of services to the citizens of the state.

(f) Provide cooperation, at the request of the heads of administratively attached agencies, in order to:

- (1) Minimize or eliminate duplication of services and jurisdictional conflicts;
- (2) Coordinate activities and resolve problems of mutual concern; and
- (3) Resolve by agreement the manner and extent to which the department shall provide budgeting, recordkeeping and related clerical assistance to administratively attached agencies.

(g) Give bond, and require division directors to give bond, to the state as specified in RSA 93-B.

(h) Where functions of departments overlap or a function assigned to one department could better be performed by another department, a commissioner shall recommend appropriate legislation to the next regular session of the legislature.

III. The commissioner may adopt such reasonable internal practices and procedures as may be necessary to carry out the duties of the department and its divisions consistent with this chapter.

IV. The commissioner may not accept, on behalf of the department, any grants of money without first obtaining the express consent of the legislative fiscal committee established by RSA 14:30-a.

V. It shall be the duty of all commissioners of executive branch agencies to continually reassess the organization of their agencies, especially with regard to new programs and functions assigned to them, and to propose legislation to the general court to accomplish internal reorganizations deemed desirable.

Source. 1983, 372:1. 1995, 226:3-6, eff. Aug. 13, 1995.

Section 21-G:10

21-G:10 Administratively Attached Agency. –

I. An agency administratively attached to a department shall:

- (a) Exercise its powers, duties, functions and responsibilities independently of the department and without approval or control of the department, except as otherwise specifically provided by statute;
- (b) Submit the budget requests required by RSA 9 through the department; and
- (c) Submit reports required of it by law or by the governor through the department.

II. The department to which an agency is administratively attached shall:

- (a) Provide budgeting, recordkeeping and related administrative and clerical assistance to the agency, if mutually agreed to in writing, provided that the agency shall pay the department on a cost allocation basis for such services;
- (b) Include the agency's budget requests, as submitted and without changes, in the departmental budget.

III. Unless otherwise provided by law, the administratively attached agency shall hire personnel in accordance with state personnel laws.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:11

21-G:11 Advisory Committees. –

I. A commissioner, with the approval of the governor, may create advisory committees.

II. Each department shall file a record of each advisory committee created with the secretary of state, showing the committee's:

- (a) Name;
- (b) Composition;

- (c) Appointed members' names and addresses; and
- (d) Purpose and term of existence.

III. The governor shall appoint the members of each advisory committee, with the advice of the commissioner, who shall have prescribed the functions of each advisory committee created.

IV. Each advisory committee created under this section shall be designated by name as follows: the "..... advisory committee of the department of ...".

V. A majority of the membership of an advisory committee shall constitute a quorum.

VI. No member of an advisory committee shall receive any compensation, for services rendered the advisory committee, except mileage payments at the state employee rate, within the limits of the department's appropriations.

VII. Each advisory committee created under this section after July 1, 1995, shall include a provision for its termination after a 3-year period unless continued by legislative action.

Source. 1983, 372:1. 1995, 257:1, eff. July 1, 1995.

Section 21-G:12

21-G:12 Conflicts of Law. – If the provisions of RSA 21-G:9 or RSA 21-G:11 conflict with the powers and duties specifically granted by statute to a particular commissioner, the specific powers and duties shall control. If the provisions of RSA 21-G:9 or RSA 21-G:11 conflict with other statutes specifically limiting the powers of a commissioner, the specific limitations shall control.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:13

21-G:13 Transfer of Functions of Abolished Agencies. –

I. The powers, duties, functions, responsibilities, programs and operations of each agency abolished pursuant to acts of the general court relative to executive branch reorganization shall, upon and after the date of each abolition, be exercised and performed by the commissioner of the department to which such powers, duties, functions and responsibilities are transferred.

II. The commissioner of each department shall have full authority, consistent with this chapter, to assign powers, duties, functions, responsibilities, programs and operations of abolished agencies to any division within the department, or may determine that any or all of them shall be exercised in such other manner as shall be allowed by law. The commissioner shall make such assignment or determination in accordance with the general functions of each division, as established by the general court.

III. Upon the abolition of each agency whose powers, duties, functions and responsibilities are transferred in accordance with this section, any pending or unfinished business of each such agency shall be taken over and be completed by the department to which transferred and its commissioner, with the same power and authority as that of the agency abolished. The department and its commissioner shall be the successor in every way to each such agency, and every act done by the department or its commissioner in the exercise of the functions of each shall be deemed to have the same force and effect under any provisions of the constitution and laws in effect on July 1, 1983, as if done by the agency abolished.

IV. Upon the abolition of each agency whose powers, duties, functions and responsibilities are transferred in accordance with this section, the existing rules of each agency shall continue in full effect, without interruption, as the rules of the department to which those powers, duties, functions and responsibilities have been transferred. Rules so continued shall be effective for the remainder of the period originally established under RSA 541-A:17, I.

Source. 1983, 372:1. 1986, 41:32. 1994, 412:4, eff. Aug. 9, 1994.

Section 21-G:14

21-G:14 Legal Proceedings and Documents. –

I. For purposes of this section, legal proceeding includes, but is not limited to, any suit, action, incidental demand or action, claim, and any other matter filed or pending before any court, administrative agency, or other quasi-judicial body.

II. For purposes of this section, document includes, but is not limited to, any petition, application, exception, motion, rule, answer, citation, notice, return, affidavit, certificate, oath, bond or other security, summons, subpoena, writ, interrogatory, deposition, inventory, appraisal, evidence, court record, instruction, verdict, judgment, order, injunction, confirmation, appointment, warrant, letter, and any other pleading or instrument whatsoever permitted or required in any legal proceeding.

III. Any legal proceeding to which any agency which is abolished, whose powers, duties, functions, and responsibilities are transferred in accordance with the provisions of this chapter, is a party, and which is filed, initiated, or otherwise pending before any court on the effective date of such abolition and transfer, and all documents involved in or affected by such legal proceeding, shall retain their effectiveness and shall be continued in the name of the agency abolished. All further legal proceedings and documents in the continuation, disposition, and enforcement of such legal proceedings shall be in the name of the original party agency which is abolished; and the department to which the powers, duties, functions, and responsibilities of the agency are transferred shall be substituted for the original party agency without necessity for amendment of any document to substitute the name of the department or the name or title of any subdivision, official, employee, or other agent or representative of the department.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:15

21-G:15 Protection of Obligations. –

I. The general court hereby specifically states that this chapter is in no way and to no extent intended to, nor shall it be construed in any manner to, impair the contractual or other obligations of any agency abolished by the general court or of the state of New Hampshire. It is hereby specifically provided that all obligations of any agency abolished, whose powers, duties, functions, and responsibilities are transferred in accordance with this chapter, hereafter shall be deemed to be the obligations of the department to which the powers, duties, functions, and responsibilities of the agency are transferred, and of its commissioner, to the same extent as if originally made by them. In like manner, and in order to prevent any violation of the provisions, terms, or conditions of any gift, donation, deed, will, trust, or other instrument or disposition by which property of any kind has been vested in an agency abolished by the general court, or diversion from the purposes for which such property was thus vested in any such agency, it is hereby specifically provided that each such instrument or disposition hereafter shall be deemed to have been vested in the department to which the powers, duties, functions, and responsibilities of the agency are transferred, and its commissioner, in the same manner and to the same extent as if originally so done.

II. The department to which the powers, duties, functions, and responsibilities of each such agency are transferred and its commissioner shall be the successor in every way to each such agency, including all of the obligations and debts of each such agency. All funds heretofore dedicated by or under authority of the constitution and laws of this state, or any of its subdivisions, to the payment of any bonds issued for construction or improvements for any institution or facility under the control of any such agency shall continue to be collected and dedicated to the payment of those bonds. In like manner, all other

dedications and allocations of revenues and sources of revenues heretofore made shall continue in the same manner, to the same extent, and for the same purposes as were provided prior to the enactment of this chapter, and shall so continue, notwithstanding the passage of any laws by the general court relative to reorganization of the executive branch.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:16

21-G:16 Effect on Federal Law. – This chapter and any laws enacted by the general court relative to executive branch reorganization shall not be construed or applied in any way which will prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any act of the Congress of the United States or any regulation made thereunder by which federal aid or other federal assistance has been or hereafter is made available to this state, or any department, office, agency, or subdivision thereof; and such compliance hereafter shall be accomplished by the commissioner insofar as such compliance affects any abolished agency whose powers, duties, functions, and responsibilities are transferred in accordance with the provisions of this chapter and any laws enacted by the general court relative to executive branch reorganization.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:17

21-G:17 Transfer of Property. – All books, papers, records and unexpended appropriations or other funds, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by each agency abolished whose powers, duties, functions and responsibilities are transferred in accordance with this chapter and any laws enacted by the general court relative to executive branch reorganization are hereby transferred to the department to which such powers, duties, functions, and responsibilities are transferred.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:18

21-G:18 Transfer of Employees. – All employees heretofore engaged in the performance of duties in each agency abolished whose powers, duties, functions, and responsibilities are transferred in accordance with this chapter and any laws enacted by the general court relative to executive branch reorganization are hereby transferred to the department to which such powers, duties, functions, and responsibilities are transferred to the extent the commissioner deems necessary to carry out the functions of the abolished agency and shall, insofar as practicable and necessary, continue to perform the duties heretofore performed, subject to applicable personnel statutes.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:19

21-G:19 Reference to Abolished Agency. – Wherever any agency abolished, whose powers, duties, functions, and responsibilities are transferred in accordance with this chapter and any laws enacted by the general court relative to executive branch reorganization, is referred to or designated by any law or contract or other document after the effective date of the abolition of such agency, such reference or

designation shall be deemed to apply to the department to which the transfer is made or to its commissioner.

Source. 1983, 372:1, eff. July 1, 1983.

Section 21-G:20

21-G:20 New Agencies and Programs. –

I. After July 1, 1983, no agency, as defined in RSA 21-G:5, III, shall be established unless it shall be structured in accordance with this chapter.

II. After July 1, 1983, no new powers, duties, functions, responsibilities or programs shall be assigned to any agency, as defined in RSA 21-G:5, III, except an agency which exists on July 1, 1983, or an agency established by the general court in accordance with the provisions of this chapter and any laws enacted by the general court relative to executive branch reorganization.

Source. 1983, 372:1, eff. July 1, 1983.

Code of Ethics

Section 21-G:21

21-G:21 Definitions. – In this subdivision:

I. "Agency" means any executive branch agency, department, division, board, commission, or entity of the executive branch.

II. "Conflict of interest" means a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

II-a. "Executive branch official" means every elected official as defined by RSA 15-B:2, III, who holds an executive branch office, every public official as defined by RSA 15-B:2, X, every constitutional official as defined by RSA 15-B:2, II, and every public employee as defined by RSA 15-B:2, IX.

III. [Repealed.]

IV. [Repealed.]

V. [Repealed.]

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:1, 10, III-V, eff. June 2, 2006.

Section 21-G:22

21-G:22 Conflict of Interest. – Executive branch officials shall avoid conflicts of interest. Executive branch officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

Section 21-G:23

21-G:23 Misuse of Position. – No executive branch official shall:

I. Disclose or use confidential or privileged information acquired in the performance of his or her duties for the state for personal benefit or for financial gain.

II. Use his or her position with the state to secure privileges or advantages for himself or herself, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

Section 21-G:24

21-G:24 Acceptance of Campaign Contributions. – An executive branch official who is a candidate for an elective office that is not subject to the reporting requirements of RSA 664 and who accepts a political contribution from any person or entity which is or is likely to become subject to that executive branch official's duties shall make a disclosure of such contributions to the secretary of state within 5 days of receipt of such contributions. The disclosure shall be in writing and on such form as the secretary of state shall prescribe.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

Section 21-G:25

21-G:25 Restrictions on Simultaneous Employment and Public Service. – Volunteer service shall not be used, directly or indirectly, for personal financial gain, or to facilitate non-public communications with executive branch officials for the purpose of promoting or advancing any matter on behalf of a third party, or to influence executive branch officials in the performance of their duties. In furtherance of this prohibition:

I. No person shall serve as a public employee, as defined by RSA 15-B:2, IX, or serve as an appointee or volunteer for any multi-branch commission, committee, board, or similar governmental entity, and simultaneously be a person who has a duty to register as a lobbyist pursuant to RSA 15, or is employed by, or maintains an ownership interest in, any entity which employs a registered lobbyist.

II. No person shall serve as a public employee in a position that establishes policy or adjudicates matters before any agency while maintaining any ownership interest in, or being employed by, any entity, engaged in promoting or opposing, directly or indirectly, any legislation pending or proposed before the general court, or promoting or opposing any action or inaction on any matter, contract, license, permit, or administrative rule, proposed or pending, before the executive branch.

III. Unless otherwise prohibited by law, the prohibitions of RSA 21-G:25, I and II, shall not apply to:

(a) Appearances before the courts or any adjudicative proceedings, or non-adjudicative processes, as defined by RSA 541-A;

(b) Service in a position subject to appointment by the governor and council;

(c) Testimony or participation in any public meeting, or service on any commission, committee, board, panel, or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A, or the public right of access mandated by part 1, article 8 of the New Hampshire constitution.

(d) Volunteer public service related entirely to a ceremonial, celebratory, historical, or recreational program or event; public health or safety incident or drill, or consumer protection assistance;

(e) Ownership of publicly-traded stock; or

(f) A public employee, appointee, or volunteer's personal application for any license, permit, or ruling from a state agency.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

Section 21-G:26

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21-G:26 Employment Restrictions. – For 6 months after leaving office or employment with the state, no executive branch official shall appear as a lobbyist:

I. To promote or oppose directly any specific legislation pending or proposed before the general court ; or

II. To directly promote or oppose action or inaction on any matter, contract, license, permit, or administrative rule pending before the executive branch or with regard to any matter over which that executive branch official had personal and direct responsibility while in state government.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

Section 21-G:27

21-G:27 Supplemental State Agency Ethical Codes. – In addition to this code, each agency may promulgate a supplemental ethics code to address issues specific to that agency. In the event of a conflict with the provisions of this code, a stricter provision of an agency code shall govern. To the extent that this code or an ethics code adopted by an agency shall apply to classified employees, this code, or an agency code, shall be interpreted to be consistent with the provisions of the classified employees' collective bargaining agreement and the state personnel rules.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:2, eff. June 2, 2006.

Section 21-G:28

21-G:28 Financial Disclosure. – [Repealed 2006, 21:10, VI, eff. June 2, 2006.]

Section 21-G:29

21-G:29 Executive Branch Ethics Committee Established; Jurisdiction; Membership. –

I. There is hereby established an executive branch ethics committee to issue guidelines, interpretive rulings, and advisory opinions relative to standards for ethical conduct in the executive branch and to resolve, through procedures established under RSA 21-G:32, issues, questions, or complaints involving executive branch officials who are not classified employees.

II. The jurisdiction of the committee shall consist of matters arising under the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, RSA 15-B, and rules or guidelines adopted thereunder, as applied to executive branch officials who are not classified employees.

III. The committee shall consist of 7 members, nominated in the following manner:

(a) Three members, nominated by the governor, one of whom shall be a member of the democratic party, one of whom shall be a member of the republican party, and one of whom shall have no political party affiliation.

(b) Two members, nominated by the secretary of state, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

(c) Two members, nominated by the treasurer, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

IV. All nominations under paragraph III shall be confirmed by the governor and executive council.

V. Persons appointed to the committee shall be qualified by excellent personal reputation and by education or experience in public service, in resolving ethical issues facing persons in public service, or in the law. No executive branch official shall serve as a committee member, and no person who has registered as a lobbyist under RSA 15:1 shall serve as a committee member, or for 6 months following the expiration of such registration.

VI. Committee members shall serve terms of 3 years and until their successors are appointed and

qualified. However, initially, the governor shall nominate one member for a one-year term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall nominate one member for a one-year term and one member for a 2-year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year. Vacancies shall be filled for the remainder of any unexpired term. During their term of appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any candidate or proposition, participate in any way in any election campaign, make a contribution as defined in RSA 664:2 to any candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

VII. The governor shall designate one of the governor's appointees as chair, who shall convene the first meeting, which shall take place no later than 30 days after a majority of the membership has been appointed. The members shall elect by majority vote a vice-chair and secretary from the remaining members.

VIII. Committee members shall receive no compensation, except that committee members shall receive mileage at the state employee rate.

Source. 2004, 214:1, eff. Jan. 1, 2005. 2006, 21:3, eff. June 2, 2006.

Section 21-G:30

21-G:30 Duties. —

I. The committee shall be authorized to:

(a) Issue guidelines consistent with the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, and RSA 15-B, relative to proper and appropriate conduct for individuals relating to the performance of their duties as executive branch officials. Such guidelines shall be consistent with statute.

(b) Issue interpretative rulings explaining and clarifying any law, guideline, rule, or regulation within the jurisdiction of the committee.

(c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a person subject to any law, guideline, rule, or regulation concerning the application of any law, guideline, rule, or regulation within the committee's jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion. Any advisory opinion concerning any person subject to the provisions of this subdivision who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute defense in any complaint brought under this subdivision that the person complained against acted in reliance upon such advisory opinion. The name of the person seeking an advisory opinion and any information in the opinion that would identify such person shall be non-public. A redacted version of the advisory opinion shall be public.

(d) Receive sworn complaints, investigate allegations of violations of this subdivision or guidelines adopted thereunder by executive branch officials and make appropriate findings of fact and conclusions with respect to such conduct.

(e) Investigate any unauthorized disclosure of information by any committee member or assistant and report to the appropriate authority any allegation which it finds to be substantiated.

II. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective, except that a vote to summarily dismiss a complaint shall be unanimous, and a vote to dismiss a complaint after only an internal review and no investigation shall be by an affirmative vote of no less than 5 members of the committee and a vote pursuant to RSA 21-G:31, VII shall require only a majority of the members present and voting. The committee shall request to meet with the legislative ethics committee established under RSA 14-B at least twice yearly to facilitate uniformity in the interpretation of statutory provisions.

III. The committee shall provide the legislative ethics committee with copies of all publicly issued

guidelines, procedures, decisions, or opinions.

Source. 2006, 21:3, eff. June 2, 2006.

Section 21-G:31

21-G:31 Complaints; Procedure. –

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. Before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

(b) For any complaint not summarily discharged, the committee shall conduct an initial review to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded. If the committee concludes by a recorded affirmative vote of no less than 5 members of the committee that the alleged conduct is not within the committee's jurisdiction, is without merit, or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the executive branch official, with an explanation of the basis of such determination.

II. If the committee, by recorded vote, concludes that the complaint is within its jurisdiction and may have merit, the committee may proceed to conduct a preliminary investigation. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

(a) No violation occurred and no further action is appropriate;

(b) The violation is inadvertent, technical, or of a *de minimis* nature and shall be addressed by informal methods; or

(c) There are reasonable grounds to believe a violation occurred and formal proceedings shall be instituted to inquire further into the complaint. In that event, the committee shall issue a formal statement of charges and proceed to a hearing on the complaint.

III. Upon completion of the hearing, the committee shall conclude by recorded vote that:

(a) No violation occurred and no further action is appropriate;

(b) No action is appropriate because there is not clear and convincing evidence that a violation occurred;

(c) Based upon clear and convincing evidence, a violation occurred, but such violation does not justify formal disciplinary action and shall be resolved by informal methods; or

(d) Based upon clear and convincing evidence, a violation occurred, and the violation was of a serious nature so as to warrant formal disciplinary action. In the case of a finding of violation by a executive branch official, the committee may recommend disciplinary action by the appropriate body, including but not limited to a recommendation for disciplinary action by the executive branch official's supervisor, removal from office under RSA 4:1, or, in the case of the governor, executive council member, or other officer of the state, impeachment or other appropriate action pursuant to part II, article 38 of the New Hampshire constitution. In addition to any recommendation for disciplinary action under this subparagraph, the committee may refer the case to the department of justice for criminal prosecution. In the event that conduct may constitute both a criminal act and misconduct subject to the jurisdiction of the committee, the committee may on its own motion or by motion of the attorney general suspend its investigation or a pending hearing for the time period reasonably necessary to avoid

compromising a criminal prosecution.

IV. Any person who knowingly or willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the department of justice for prosecution.

V. Except as otherwise provided in this paragraph and notwithstanding any other provision of law, all proceedings, information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of its work, shall be confidential. The committee shall first examine any sworn complaint and shall conduct its initial review and preliminary investigation of complaints in a confidential manner, unless otherwise requested by the executive branch official complained against. The committee shall conduct formal proceedings, other than its deliberations, in public session. The committee's deliberations on complaints shall be conducted in nonpublic session. Upon completion of the preliminary investigation conducted under paragraph II or at the conclusion of formal proceedings under paragraph III, the committee shall make available for public inspection all records, other than its work product and internal memoranda relating to the complaint.

VI. In proceedings under this subdivision, the committee shall have the power to issue subpoenas and administer oaths.

VII. Any member of the committee who is directly or indirectly involved in any complaint before the committee or who otherwise has personal knowledge of facts material to the determination of the complaint shall not participate in any proceedings regarding the complaint. In the event that recusals under this paragraph reduce the number of participating members to fewer than 4, the remaining participating members shall designate an alternate or alternates sufficient to increase the committee to 4 members, to serve on the committee for that case only.

Source. 2006, 21:3, eff. June 2, 2006.

Section 21-G:32

21-G:32 Rules; Procedures and Standards. – The committee shall adopt, publish, and make available to the public rules governing its procedures, including provisions for disqualification of members for conflict of interest and provisions for the committee to discipline its members for breach of committee procedures, as well as guidelines referred to in RSA 21-G:30, I, consistent with the procedures set forth in RSA 541-A.

Source. 2006, 21:3, eff. June 2, 2006.

Section 21-G:33

21-G:33 Committee Administration and Staff. – The committee shall be administratively attached to the department of justice, which shall provide appropriate administrative and investigative staff and legal counsel in support of the committee's activities, at the committee's request. Files and records of the committee shall be protected against access other than by members of the committee and other persons specifically authorized by the committee.

Source. 2006, 21:3, eff. June 2, 2006.

Section 21-G:34

21-G:34 Penalty. –

I. Any person who knowingly or willfully violates RSA 21-G:21-27 or makes unauthorized disclosure of confidential matters or materials contrary to RSA 21-G:31, or interferes with or obstructs lawful activities of the committee, shall be guilty of a misdemeanor and may be subject to disciplinary action as

provided in RSA 21-G:31, III(d) and other applicable law.

II. In the case of any person convicted under this section, the court may order restitution.

Source. 2006, 21:3, eff. June 2, 2006.

Section 21-G:35

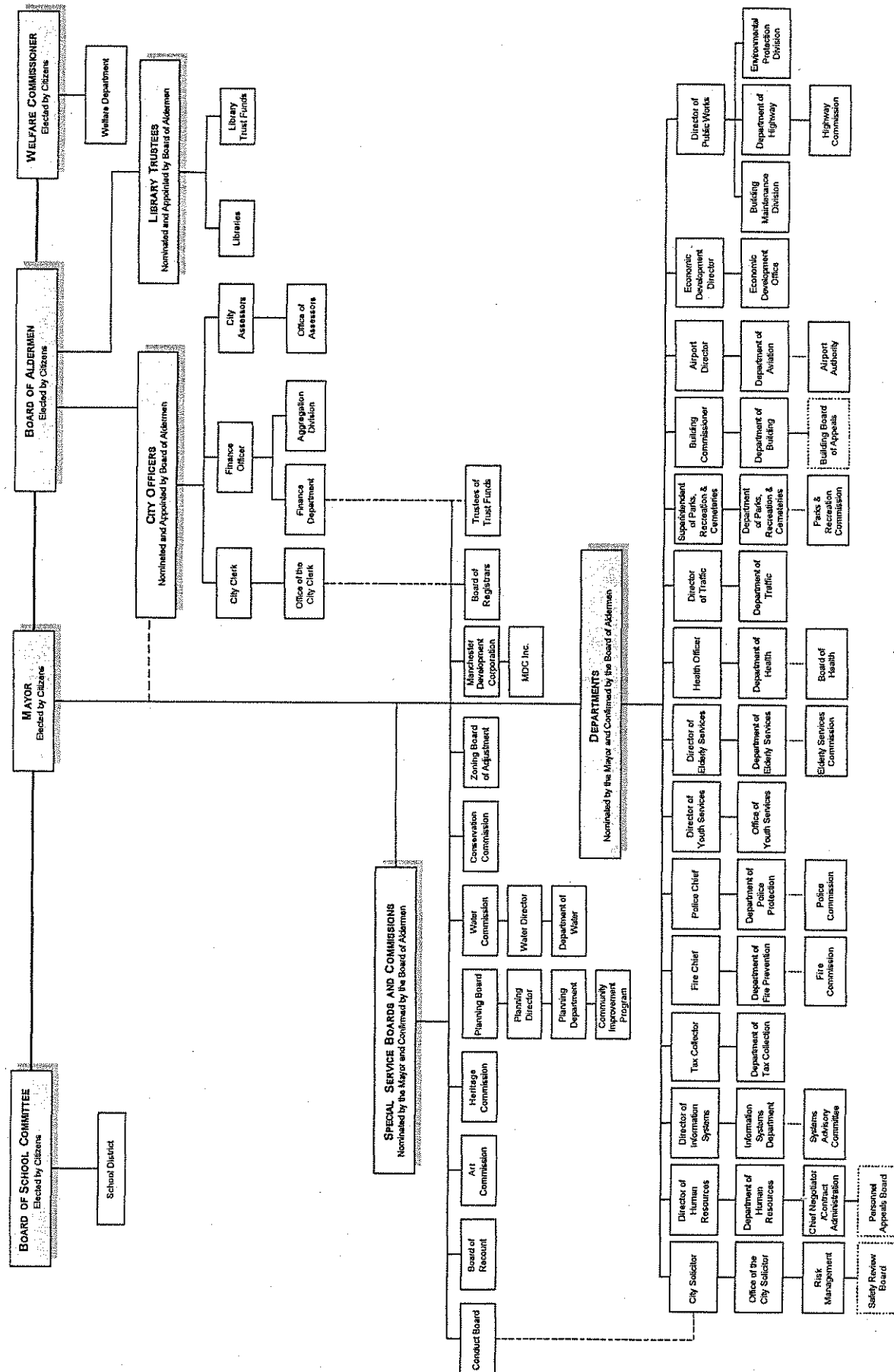
21-G:35 Severability. – If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Source. 2006, 21:3, eff. June 2, 2006.

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Mayor Hudson + H
Comm. on Administration
1/9/07

CITY OF MANCHESTER NEW HAMPSHIRE
ORGANIZATION CHART



01-09-07

Tabled



**City of Manchester
Department of Finance**

One City Hall Plaza
Manchester, New Hampshire 03101
Phone: (603) 624-6460
Fax: (603) 624-6549

September 18, 2006

Alderman Dan O'Neil, Chairman
Committee on Administration / Information Systems
C/o City Clerk Office
One City Hall Plaza
Manchester, NH 03101

RE: Centralizing purchasing for printing needs

Dear Alderman O'Neil and Committee Members:

The City has been approached by Specialized Purchasing Consultants Corporation (SPC) to perform a needs assessment and analysis of the City's reprographic systems including copiers, system printers and outside printing requirements. SPC is proposing to use the results of the assessment and analysis to design a reprographic system that will increase the City's capabilities, while reducing our costs. SPC is proposing a similar program with the School District; has made a presentation to the Finance Department and held brief discussions with the mayor.

Based on similar municipal and school district assessments performed by SPC throughout Maine and New Hampshire, there is a potential for the City to realize annual savings in excess of \$100,000. I have enclosed for your review a copy of the summary provided by SPC.

At this time I am requesting approval from the Committee to contract with SPC to undertake the needs assessment and analysis. Upon its completion, I will submit the results back to the Committee. I, along with a representative of SPC, will be available at the next Committee meeting to address any questions you might have relative to this request.

Respectfully submitted,

Randy M. Sherman
Deputy Finance Officer

Cc: Kevin Clougherty

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Sample References & Purchasing Power of SPC in New Hampshire & Maine

Photocopiers

Municipality	Contact	Tel #	Volume	Population	Average CPP*	Total Cost Before SPC	Total CPP w/ SPC	Total Cost w/SPC	5 Year Cost Savings #	Vendor(s) Awarded the Bid
Augusta ME	Ralph St. Pierre	207-626-2300 X-4168	1,079,578	18,560	\$0.0212	\$22,887.05	\$0.00680	\$7,341.13	\$77,729.62	Appgar & Ikon
Cape Elizabeth ME	Pauline Apotria	207-799-2217	183,495	9,068	\$0.0250	\$4,587.38	\$0.00599	\$1,099.14	\$17,441.20	Ikon
Kennebunkport ME	Nathan Poore	207-967-4243 X-1	310,480	10,476	\$0.0270	\$8,379.86	\$0.00585	\$1,816.31	\$32,817.74	Ikon
Saco ME	Richard Michaud	207-282-4191	767,054	16,822	\$0.0312	\$23,932.08	\$0.00646	\$4,955.17	\$94,884.58	Ikon & Xerox
Derry NH	Russell Marcoux	603-432-6100	1,029,998	22,500	\$0.0151	\$15,511.77	\$0.00552	\$5,685.59	\$49,130.90	Imagistics & Ikon
Totals & Averages >			3,370,605	77,426	\$0.0223	\$75,298.14	\$0.0062	\$20,897.33	\$272,004.04	#4 Different Vendors
Average Number of Copies per Person Per Year >			44							

Equipment Purchasing & SPC's Compensation:

Example...If retail is \$25,000, then SPC's pricing directly through the Manufacturer is approx \$7,500.

SPC's Compensation is based on 11%. Above example our fee would be \$825.

Also, if the average cost per print is \$0.00558 (without SPC) as indicated above, our fee is \$0.000614. (CPC with SPC = \$0.0062)

Or based on 1,000,000 prints is \$614.00.

* Note: This category primarily includes just 'Service & Supplies', however, with some clients with shown with an *, a portion of the equipment was included in this category as a cost per copy rental.

#Note: A portion of the cost savings were allocated to help pay for new equipment that was needed at the time of the upgrade.

Manchester City SPC Appraisal 4/21/2006							5 Year Cost Savings #
CPC Range	Cost-Per-Print	Population	Volume	Total Cost Before SPC	Total CPP w/ SPC's Compensation Included	Total Cost w/SPC's Fee	
Highest	\$0.0312	108871	4,790,324	\$149,458.11	\$0.00620	\$29,700.01	\$598,790.50
Average	\$0.0223		4,790,324	\$106,824.23	\$0.00620	\$29,700.01	\$385,621.08
Lowest	\$0.0151		4,790,324	\$72,333.89	\$0.00620	\$29,700.01	\$213,169.42

'Questions Often Asked with the Answers'

1. Why is the average 'cost-per-print' for service & supplies as high \$0.0194 in the above comparisons when in reality it is not difficult to acquire cost per prints as low as \$0.0049 per print?

Answer: The industry thrives on confusion!! The more invoices the better. With most municipalities, they have multiple individual monthly or quarterly billing.. For example one of our clients that we upgraded in March of 2006 had Twenty-Eight individual Service & Supply Contracts that were all over the place, ranging from a low of \$0.007 to an incredible high of \$2.56 per print (This machine was being hardly used but they were being invoiced \$536.00 per year); Monthly & Quarterly billing had been set up by the vendors that does not take into account the massive fluctuations in monthly volumes. During the summer months, machines are often idle and yet they are being billed for a minimum amount of copies. On the other hand, during heavy usage months you are hit for an overage! They had literally hundreds of invoices (28 X 12 = 336+- invoices each year) that were impossible to monitor or control without massive amount of time being spent. As a result the cost-per-print goes through the roof.

The only way you can determine exactly what your cost-per-print is to examine both the invoice while you cross verify with the actual meter reads. SPC will offer to do such an audit as part of their contract and establish a simple all inclusive blanket one invoice per year where you pay for what you use, nothing more and nothing less.

2.  Do I have to replace all my equipment to get these prices?

Answer: No! After SPC does their onsite inspection and survey of key operators, we establish a five year plan that may only replace 25% of your equipment. Anyone is able to drop the cost of operation on new equipment replaced. But the above examples did not replace all of their equipment and yet we were able to drop the cost of operation on the entire copier base.

Example; Client has 30 machines and is doing 5,000,000 prints per year. After an SPC audit, 7 machines were earmarked as necessary to be replaced. These 7 machines are doing 1.5 million prints. SPC will not only drop the cost of operation on the 1.5 million prints but also drop the cost-per-print on the 3.5 million prints that are being done on the remaining units! Therefore, the entire 5,000,000 prints for the entire 30 machines drops dramatically! That is what you are seeing with the school districts mentioned above.

3. With the dropping of cost of operation, will my quality of service go down?

Answer: Absolutely not! In fact it will improve. Why? SPC will not only drop the cost of operation, it will initiate Five Year Warranties on both the new and **EXISTING** equipment that is not replaced. SPC, along with the vendor who is awarded the bid, jointly warranty the new and existing equipment. In addition, because SPC is the largest buyer of equipment across three states; Maine, NH and Vermont, we are able to use this buying power to ensure that the vendors provide you with better service than you have ever had before.

4. I am in the middle of a contractual agreement, how am I able to take advantage of these cost savings?

Answer:! Using our buying power, we are able to renegotiate all of your contracts while improving the quality of the equipment and service!

Please feel free to call any of our clients for a reference!



**City of Manchester
Department of Finance**

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December 5, 2006

Alderman O'Neil, Chairman
Committee on Administration
One City Hall Plaza
Manchester, NH 03101

RE: Centralizing purchasing for printing needs

Dear Alderman O'Neil and Committee Members:


At the November 20th Committee on Administration meeting, it was requested that a meeting be scheduled between Skip Tilton from SPC and certain department representatives to discuss centralized purchasing as it relates to printing needs.

On November 30th, the department heads from Police, City Clerk, Information Systems, Health and Finance, along with some other key employees, met with Mr. Tilton. Frank Thomas, who had previously seen the presentation, was unable to attend. After nearly two hours of discussion, city staff unanimously agreed that the process should proceed to the next step. I have confirmed with Frank Thomas that he is in agreement with moving ahead as well.

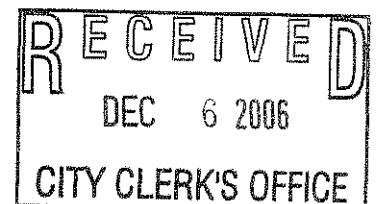
In reaching our conclusion, it was confirmed with Mr. Tilton that the next step would be an assesment and analysis of the city's needs and that upon its completion a five-year plan would be presented. Mr. Tilton also confirmed that after receiving the plan, the city has the option to choose, at its sole discretion, to proceed with a competitive bid process through SPC on either the entire plan, a portion of the plan or reject the plan in its entirety. Staff also confirmed that should the city partake in the bid procedure, the city still has the right to reject any or all of the bid components.

At this time I am requesting approval from the Committee to contract with SPC to undertake the needs assessment and analysis. Upon its completion, I will submit the results back to the Committee for further discussion.

Respectfully submitted,


Randy M. Sherman
Finance Officer

Cc: Chief Jaskolka
Deputy Chief Simmons
Diane Prew
Jennie Angell
Tim Soucy
Leo Bernier
Tricia Piecuch



MANCHESTER CITY LIBRARY



405 Pine Street
Manchester, New Hampshire 03104
603-624-6550

To: Jennie Angell, Microcomputer and Networking Manager
Patricia Piecuch, City Clerk's Office
From: Denise M. van Zanten, Library Director
Date: December 12, 2006
Subject: Specialized Purchasing Consultants, Proposed Contract

The Manchester City Library has a contract with MacGray/Copico to provide and service:

- 6 customer coin-operated photocopiers
- 1 staff black/white photocopier
- 4 coin-operated microfilm/fiche reader/printers (The library owns 1 of these reader/printers)
- 1 networked coin-operated vended printing system, which is used by all main library customers
- all paper and toner for these photocopiers, reader/printers, and vended printer

This revenue-neutral contract provides the library's staff and customers excellent quality copies and printouts, while incurring no capital costs to acquire equipment (except for the one reader/printer), no service charges, and no supply costs. This contract is binding and has been beneficial to the library for many years. We currently have reliable equipment that is well utilized by our staff and public. Note that RSA 202-A:11-a, which governs income-generating equipment for libraries, does not apply to this contract with MacGray/COPICO, because this contract is currently revenue-neutral. If income is generated at a future date, further legal review may be necessary.

The Manchester City Library Board of Trustees, through the Trust funds, provides an annual budget for office/computer equipment, which the library uses to purchase printers that are specialized to library services, such as receipt printers, spine label printers and the occasional office printer. We do not wish to lose our ability to choose what is essential for library services by dealing with an outside vendor of this magnitude. We also have reservations about any "surcharges" this vendor intends to apply for networked-printing equipment purchased and per-copy costs under their contract. That would not be financially advantageous to the library as we always shop for the best price for top of the line equipment. Nor would this be an effective or efficient use of the limited library Trust Fund resources, which are governed by the Library Board of Trustees. Any contract the library enters into is reviewed by the Library Director and presented to the Library Board of Trustees.

The Manchester City Library recommends that we not participate in any way in the contract that is proposed for centralized printing and copying. It would violate our current contract with MacGray/Copico and would increase costs for printers purchased by the Board of Trustees for the Manchester City Library, as well as per-copy printing costs. The library department does not see how the proposed contract from SPC is in any way as fiscally responsible as our current arrangement.

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CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

Memo To: Lisa Thibault

From: Tricia Piecuch
Deputy Clerk

Date: December 20, 2006

Re: Specialized Purchasing Consultants Corp. Contract

I received today your request for changes/deletions/additions to the contract today. I will be away on vacation during the Christmas holiday and will not return until January 3rd.

It was my understanding when attending the Administration Committee meeting that staff was going to sit down together and review concerns and the contract. I am disappointed because I felt it was important to hear from all departments together including Police, Health and Highway in addition to those that previously met as there may be issues or advantages I have not thought of.

As Randy is aware I have several concerns with the contract and since I am not a lawyer would like to have one present for discussion as well to be sure of the interpretation of whatever limits we may be setting for the City. In the event the memo was sent merely to have a basis of discussion I believe the major areas of concern for me were the 5 year contract, charges if utilizing outside services, replacement costs as charges to the departments, and assurance that we can continue with our current vendors without costly charges.

There may have been more, which I will review upon my return.

C: J. Angell
G. Simmons
T. Soucy
F. Thomas
D. VanZanten
R. Sherman
T. Arnold
Administration Committee Members